

25 April 1975

MEMORANDUM FOR THE RECORD

SUBJECT : Agency Furnishing Publication to Securities
and Exchange Commission

REFERENCE : M/R by [REDACTED] (OGC 75-1643), dtd 23 April 75,
Same Subject

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1. Mr. Van Carter (376-8004) of the Office of General Counsel, Securities and Exchange Commission, called today to report the progress in the case outlined in Referent. Mr. Carter reported that his Office has retrieved the copy of Where's What that the Agency forwarded to SEC employee Jacobs. Based on this incident, together with others of a similar nature, the SEC last night dismissed Mr. Jacobs and has referred the matter to the Department of Justice for any appropriate prosecution. Mr. Carter told me that he has discussed the matter with Mr. Bob Andary of the Department. Mr. Andary instructed that for the meantime, the copy of Where's What should remain in the custody of the Commission to simplify proof of the chain of custody if prosecution is undertaken. I told Mr. Carter we had no objections to that. I mentioned to Mr. Carter that I knew Mr. Andary and would call him to discuss the matter.

2. I called Mr. Andary, who verified the above and he told me that he instructed the SEC to document the above and to forward same to the Internal Security Section of the Criminal Division.

3. I then discussed the matter with Mr. George Calhoun, DC/Internal Security Section, who asked me to discuss it with Mr. John Martin of his Section. I called Mr. Martin and explained the situation. I told Mr. Martin that the Agency has no interest in prosecuting Mr. Jacobs; however, the final decision regarding prosecution must be made by the Department. I explained that our only interest was to retrieve the copy of Where's What. Mr. Martin agreed that after he receives the facts from SEC and has time to study and analyze them, he will be back in touch with me.

[REDACTED]
Assistant General Counsel

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cc: DD/S